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In re Application of
LIANG, ZICAI, et al
Application No.: 10/517,324
PCT No.: PCT/SE03/01077
Int. Filing Date: 23 June 2003
Priority Date: 21 June 2002
Attorney Docket No.: 040679

For: RANDOMISED DNA LIBRARIES AND
DOUBLE SIDED-STRANDED RNA LIBRARIES,
USE AND METHOD OF PRODUCTION
THEREOF

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PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 08 January 2008.

BACKGROUND

On 23 May 2007, applicants were mailed a decision dismissing applicants' petition under 37 CFR 1.181. Applicants were afforded two months to file any request for reconsideration and advised that this time period could be extended pursuant to 37 CFR 1.136(a).

On 23 July 2007, applicants filed the renewed petition for reconsideration of the dismissal of applicants' petition. The petition was again dismissed.

On 28 December 2007, applicants filed the present petition under 37 CFR 137(b) to revive the application.

Application No.: 10/517,324

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply. The CRF of the sequence listing filed with the petition complied with the statutory requirement.

Regarding item (2), the \$1540 petition fee has been charged to Deposit Account No. 01-2340 as authorized by applicant.

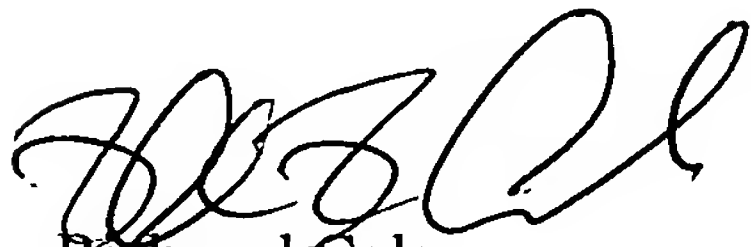
Regarding item (3), applicant's statement that "The delay from the deadline for entry into the U.S. national stage to the date of the present petition was unintentional" and the prompt filing of the petition satisfies the requirement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 20 December 2004.



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